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NOTICE OF ALLOWANCE AND FEE(S) DUE

73544 7590 12/16/2011
Michelle Saquet Temple
DEKA Research & Development Corp.
340 Commercial Street
Manchester, NH 03101-1129

EXAMINER

CORDERO GARCIA, MARCELA M

ART UNIT

PAPER NUMBER

1654

DATE MAILED: 12/16/2011

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,969	10/30/2003	Jason A. Demers	1062/D70	8503

TITLE OF INVENTION: SYSTEM, DEVICE, AND METHOD FOR MIXING A SUBSTANCE WITH A LIQUID

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1740	\$300	\$0	\$2040	03/16/2012

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE** OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

**Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE
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or Fax (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

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Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

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nonprovisional	NO	\$1740	\$300	\$0	\$2040	03/16/2012

EXAMINER	ART UNIT	CLASS-SUBCLASS
CORDERO GARCIA, MARCELA M	1654	423-658500

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB-112) attached;
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB-112; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.111. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reuply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____

Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.**

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Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 332 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 332 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Notice of Allowability

Application No.

10/696,969

Examiner

MARCELA M. CORDERO
GARCIA

Applicant(s)

DEMERS ET AL.

Art Unit

1654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/13/2011.
2. ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.
3. ☒ The allowed claim(s) is/are 26,27,29-42,45-50,52-65 and 67-71.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 20111214.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/MARCELA M CORDERO GARCIA/
Primary Examiner, Art Unit 1654

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Marc J. Gorayeb on 12/14/2011.

The application has been amended as follows:

IN THE CLAIMS:

1.-25. (Canceled)

26. (Currently amended) An apparatus for mixing a substance in a sealed container with a liquid, the container being positioned in a container receptacle, the container receptacle configured to couple with a port assembly to permit liquid to enter the container through the port assembly, the apparatus comprising:

- a container spiking assembly comprising a movable member adapted to move the container receptacle toward the port assembly;

- a container spiking assembly controller in communication with the container spiking assembly for controlling coupling of the container receptacle with the port assembly; and

- a liquid controller for controlling the flow of the liquid through the port assembly into the container to produce a combined substance and liquid, wherein:

- the container spiking assembly controller is configured to control the movement of the movable member of the container spiking assembly to couple the container receptacle with the port assembly while the port assembly is immobilized relative to the container receptacle, and wherein upon coupling, the container receptacle and port

assembly are configured to lock together through engagement of one or more engagement teeth between the container receptacle and the port assembly.

27. (Previously Presented) The apparatus as defined by claim 26 wherein the liquid controller also controls the flow of combined substance and liquid from the container.

28. (Canceled)

29. (Previously Presented) The apparatus as defined by claim 26 wherein the container spiking assembly controller includes logic for determining the relative locations of the container receptacle and the port assembly, using input from at least one sensor associated with the container spiking assembly.

30. (Previously Presented) The apparatus as defined by claim 26 wherein the container spiking assembly further comprises a cover capable of being in either an open position or a closed position, the cover securing the container receptacle and port assembly within the container spiking assembly when in the closed position, and the container spiking assembly controller having logic for determining if the cover is in the closed position.

31. (Previously Presented) The apparatus as defined by claim 30 wherein the container spiking assembly controller includes logic to direct the container receptacle to couple with the port assembly after detecting that the cover is in the closed position.

32. (Original) The apparatus as defined by claim 30 further including a cover lock that prevents the cover from being moved from the closed position while the liquid is being received by the container.

33. (Previously Presented) The apparatus as defined by claim 26 further including a pneumatically controlled member within the container spiking assembly, the

pneumatically controlled member capable of contributing to the coupling of the container receptacle with the port assembly in response to input from the container spiking assembly controller.

34. (Previously Presented) The apparatus as defined by claim 26 wherein the liquid controller includes stored commands for directing the delivery of a predetermined amount of liquid to the container via the port assembly.

35. (Previously Presented) The apparatus as defined by claim 26 further comprising a housing containing at least one of the container spiking assembly controller and the liquid controller.

36. (Previously Presented) The apparatus as defined by claim 35 wherein the container spiking assembly at least partially extends outwardly from the housing.

37. (Previously Presented) The apparatus as defined by claim 26 further comprising a sensor within the container spiking assembly for detecting the location of the container relative to the port assembly.

38. (Previously Presented) The apparatus as defined by claim 26 wherein the container spiking assembly is configured to contain the container receptacle in a single orientation.

39. (Original) The apparatus as defined by claim 26 further comprising a set of valves controlled by the liquid controller to control the flow of liquid into the container.

40. (Previously Presented) The apparatus as defined by claim 26 further comprising a pump chamber used by the liquid controller to measure the volume of the liquid to be directed to the container.

41. (Original) The apparatus as defined by claim 26 wherein the substance is a caustic solution.

42. (Original) The apparatus as defined by claim 26 wherein the substance is an anti-pathogen compound.

43. (Canceled)

44. (Canceled)

45. (Currently amended) The apparatus as defined by claim 44 ~~26~~, wherein the ~~first locking feature~~ container receptacle comprises a plurality of engagement teeth, and wherein ~~the second a~~ locking feature on the port assembly engages one or more of the plurality of engagement teeth.

46. (Previously Presented) The apparatus as defined by claim 45, wherein the container receptacle includes a plurality of tabs, each tab having engagement teeth, wherein the engagement teeth on adjacent tabs are staggered relative to one another.

47. (Previously Presented) The apparatus as defined by claim 46, wherein the engagement teeth are staggered by approximately half the height of one of the engagement teeth.

48. (Previously Presented) The apparatus defined by claim 37, wherein the container receptacle comprises at least one raised switch engagement feature on an outer surface of the container receptacle for operating a sensor within the container spiking assembly.

49. (Currently amended) An apparatus for mixing a substance in a sealed container with a liquid, the container being positioned in a container receptacle, the container

receptacle configured to couple with a port assembly to permit liquid to enter the container through the port assembly the apparatus comprising:

positioning means for moving the container receptacle toward the port assembly;

coupling means for controlling coupling of the container receptacle with the port assembly; and

flow means for controlling the flow of the liquid into the container to produce a combined substance and liquid, wherein:

the positioning means is configured for movement of the container receptacle toward the port assembly while the port assembly is immobilized relative to the container receptacle, and wherein upon coupling, the container receptacle and port assembly are configured to lock together through engagement of one or more engagement teeth between the container receptacle and the port assembly.

50. (Previously Presented) The apparatus as defined by claim 49 wherein the flow means also controls the flow of combined substance and liquid from the container.

51. (Canceled)

52. (Previously Presented) The apparatus as defined by claim 49 wherein the coupling means includes means for determining the relative locations of the container receptacle and the port assembly, using input from at least one sensor associated with the positioning means.

53. (Previously Presented) The apparatus as defined by claim 49 wherein the positioning means includes a cover capable of being in either an open position or a closed position, the cover securing the container receptacle and port assembly within the positioning means when in the closed position, and the coupling means having means for determining if the cover is in the closed position.

54. (Previously presented) The apparatus as defined by claim 53 wherein the coupling means includes logic to direct the container receptacle to couple with the port assembly after detecting that the cover is in the closed position.

55. (Original) The apparatus as defined by claim 53 further including a cover lock that prevents the cover from being moved from the closed position while the liquid is being received by the container.

56. (Previously Presented) The apparatus as defined by claim 49 further including a pneumatically controlled means within the positioning means, the pneumatically controlled means capable of contributing to the coupling of the container receptacle with the port assembly in response to input from the coupling means.

57. (Previously Presented) The apparatus as defined by claim 49 wherein the flow means includes means for controlling the delivery of a predetermined amount of liquid to the container via the port assembly.

58. (Original) The apparatus as defined by claim 49 further comprising a housing containing at least one of the coupling means and the flow means.

59. (Previously Presented) The apparatus as defined by claim 58 wherein the positioning means at least partially extends outwardly from the housing.

60. (Previously Presented) The apparatus as defined by claim 49 further comprising a means for detecting the location of the container relative to the port assembly.

61. (Previously Presented) The apparatus as defined by claim 49 wherein the positioning means is configured to contain the container receptacle in a single orientation.

62. (Original) The apparatus as defined by claim 49 further comprising a set of valves controlled by the flow means to control the flow of liquid into the container.

63. (Original) The apparatus as defined by claim 49 further comprising a means for measuring the volume of the liquid to be directed to the container, the measuring means being used by the flow means.

64. (Original) The apparatus as defined by claim 49 wherein the substance is a caustic substance.

65. (Original) The apparatus as defined by claim 49 wherein the substance is an anti-pathogen compound.

66. (Canceled)

67. (Previously Presented) The apparatus as defined by claim 26 wherein the container spiking assembly has a cover for securing the port assembly within the container spiking assembly, and wherein the container spiking assembly controller is configured to control the movement of the container within the container spiking assembly so as to connect the container with a fluid flow lumen of the port assembly.

68. (Previously Presented) The apparatus is defined by claim 33 further including an inflatable bladder in communication with the pneumatically controlled member for pneumatic control of the pneumatically controlled member in response to input from the container spiking assembly controller.

69. (Previously Presented) The apparatus as defined by claim 49 wherein the positioning means is cylindrical.

70. (Previously Presented) The apparatus as defined by claim 49 wherein positioning

means includes means for securing the port assembly and wherein the coupling means includes means for moving the container so as to couple the container with a fluid flow lumen of the port assembly.

71. (Previously presented) The apparatus as defined by claim 56 wherein the pneumatically controlled means includes a pneumatically controlled member and an inflatable means in communication with the pneumatically controlled member for pneumatic control of the pneumatically controlled member in response to input from the coupling means.

REJOINDER

Please note that **the restriction requirement among groups III-IV as set forth in the Office action mailed on 8/16/2005 was previously withdrawn (see page 2 of Office Action mailed on 3/7/2006)**. In view of the withdrawal of the restriction requirement as to the rejoined inventions, applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARCELA M. CORDERO GARCIA whose telephone number is (571)272-2939. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cecilia J. Tsang can be reached on (571) 272-0562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MARCELA M CORDERO GARCIA/
Primary Examiner, Art Unit 1654

MMCG 12/2011